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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,266	05/02/2001	Muneomi Katayama	TESJ.0029	6117

7590

04/22/2003

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EXAMINER

SAADAT, CAMERON

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 04/22/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/846,266

Applicant(s)

KATAYAMA, MUNEOMI

Examiner

Cameron Saadat

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

In response to Amendment filed 2/4/03, Claims 1-22 are pending in this Application.

The substitute specification filed 2/4/03 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. **Claims 1-16, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlgren (USPN 6,293,802 B1) in view of Barnard (USPN 6,456,938).**

Regarding claim 1, Ahlgren discloses a body movement training method comprising: storing lessons comprising images of at least one trainer in a server 112 (Col. 6, lines 21-28; Col. 15, lines 5-10); providing mobile image communication (Col. 22, lines 50-56) between a trainee and a server (See Fig. 1, refs. 104 and 112); taking at least one image of the trainee at a training or sport site 104; searching the server for a lesson comprising at least one of the images of the trainer with a corresponding movement to the image of the trainee based upon a request of the

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trainee sent from an image communication terminal 1602 via a mobile image communication to the server 112 (Col. 12, lines 30-34); sending the searched lessons that comprise images of the trainer (Col 7, lines 15-37) to the image communication terminal 1602 via the mobile image communication; displaying side by side the searched image of the trainer and the image of the trainee on the image communication terminal (Col. 15, lines 11-14), wherein the image communication terminal is implemented by a mobile network system, and Internet (Col. 22, lines 50-56).

Although the computer system 1602 is mobile in terms of communications, it is not explicitly stated to be physically mobile. However, it is the examiner's position that the feature of providing a physically mobile device comprising computing and display capabilities is old and well known. Furthermore, Barnard discloses a mobile image communication device for obtaining image information for aiding in a body movement performance comprising mobile display 28. Hence, in view of Barnard, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the computer system described in Ahlgren to provide a more mobile device, so that a trainee is free to move without being confined to one area for receiving feedback.

Regarding claim 2, Ahlgren discloses a body movement training method, wherein the images are displayed side-by-side on the same screen of the image communication terminal without being overlapped for comparison and training (column 15, lines 5-18).

Regarding claims 3 and 4, Ahlgren discloses a body movement training method further comprising sending an image of the trainee to the server for storing (Col. 6, lines 21-26);

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searching for and requesting a lesson plans (Col. 12, lines 30-34) that comprise images of a trainee (Col 7, lines 15-37) to be compared and examined for difference between actions.

Regarding claims 5-8, Ahlgren discloses a body movement training method wherein one of the images of the trainer and the trainee comprises a set of moving frames, and the other of the images is a still image (column 15, lines 7-10).

Regarding claims 9-16 and 22, Ahlgren discloses a body movement training method wherein the images of the trainee and of the trainer are taken at substantially the same place (Col 3, lines 20-30).

Regarding claim 20, Ahlgren discloses a body movement training method wherein the displaying stem includes displaying at least one of letters and symbols requested by the trainer to make a training point (Col. 14, lines 61-67).

Regarding claim 21, Ahlgren discloses a body movement training method wherein the images of the trainee are taken at different places (Col 15, lines 24-29).

4. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlgren (USPN 6,293,802 B1) in view of Barnard (USPN 6,456,938), further in view of Katayama (USPN 5,857,855)

Regarding claim 17, Ahlgren discloses a body movement training method wherein an image of a trainee is compared with an image of a trainer. Barnard teaches a portable communication device that allows a user to search for images that will aid in a user's body movement. Neither reference explicitly states that the image of the trainee before a training session is compared to an image of the trainee after a training session. However, Katayama teaches a method of teaching body motions wherein a pre-training image is placed side-by-side

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with a post-training image of the trainee (Col. 5, line 63 – Col 6, line 9). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the improvement analysis method described in Ahlgren, by providing side-by-side pre and post training images, in light of the teachings of Katayama in order to determine how much improvement has taken place or how much and what type of improvement is needed in the training process.

Regarding claims 18 and 19, Ahlgren discloses a body movement training method wherein an image of a trainee is compared with an image of a trainer. Barnard teaches a portable communication device that allows a user to search for images that will aid in a user's body movement. Neither reference explicitly discloses displaying a grid (as per claim 18) with an image of a trainee or providing lines as moving body parts (as per claim 19). However, Katayama teaches a method of teaching body motions wherein a grid and reference lines are utilized when analyzing images (See Fig. 9a-c; 10a-d). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the image analysis methods described in Ahlgren, by providing grids and lines during image analysis, in light of the teachings of Katayama in order to provide reference points and linear diagrams to help the trainee understand correct body movement.

Response to Arguments

5. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion


6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

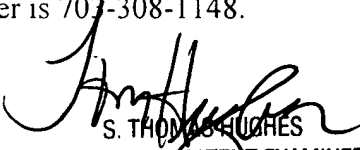
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is 703-305-5490. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

CS 
April 21, 2003


S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700